

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Brian Maguire

Appl. Ser. No.: - - -

Examiner: - - -

Filed: [DATE]

Group Art Unit: - - -

For: MUNITIONS MINES

Mail Stop Patent Application

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

This communication is filed in accordance with 37 CFR §§1.97 - 1.98, to accompany the Application for Patent on the above-entitled matter that is filed herewith. The patents listed and discussed below are all of those of which the Applicant is aware that were found to have subject matter of which the Examiner might wish to be aware in the course of examining the enclosed Application, but none of them are deemed to be such as to raise serious question of the allowability of the claims of that Application.

The basic subject matter of the invention centers on a firearm cartridge that has been constructed so as to explode with sufficient violence to destroy both itself and the firearm in which it was fired, or else to burn internally, rather than to propel a bullet, and the following patents were selected on that basis. The principle applies also to other ordnance, e.g., to hand grenades. The combination of ordnance and the dispersal of mines that are to explode upon activation by external means in the manner described in the Application has not, to Applicant's knowledge, been addressed in the prior art. Applicant is unaware of any system or device that can be used surreptitiously to cause enemy forces unwittingly to kill themselves while attempting to kill friendly forces.

U. S. Patent No. 5,329,855 issued Jul. 19, 1994, to Szyndlar describes cartridges for use in explosively operated industrial tools wherein those cartridges are adapted to explode upon ignition by a detonator primer so as to develop, by expanding gases, a rapid and strong mechanical impulse against a ram or the like.

This cartridge has been particularly adapted to prevent the primer from being propelled into the barrel of the tool where damage might result. The explosive materials used are selected so as to permit repeated use of the tool, without there being damage caused to that tool, hence the intent and purpose of the Szyndlar device are quite the opposite to what is sought in the present invention, and rest on the structure of the cartridge rather than any feature of the explosive material as is the case in the present invention.

U. S. Patent No. 5,016,537 issued May 21, 1991, to Pinson, describes a "round" or cartridge for large caliber guns that operates by way of secondary explosions that for the purpose of increased projectile velocity arise from having a series of explosive materials and electronic means for firing the same as part of the cartridge itself rather than the gun. This invention thus relates to achieving high velocity in a projectile and not to any purpose relating to the cartridge and gun itself, and hence does not bear on the present invention.

U. S. Patent No. 4,389,940 issued June 28, 1983 to Trembly *et al.* relates to an anti-personnel mine that is inherently intended for self destruction, and in that respect has a purpose similar to that of the present invention. However, these mines are adapted to be loaded in some number into a round of ammunition, and thereafter to explode in a timed fashion, based upon a capacitive discharge that is initiated at the time that these mines are dispersed from the ammunition round. The firing of the round will of course remove it from the gun from which fired, the mines will detonate at random times thereafter without human control. Nothing is addressed as to any unusual nature of the charge being employed, hence the features of this Trembly *et al.* device make it irrelevant to the present invention.

U. S. Patent No. 5,402,729 issued Apr. 4, 1995, to Richert describes a munition having specially designed explosive material therein, and in that respect the device bears some similarity to the present invention. However, this munition is intended for the projection of special projectiles of fragile construction that are intended to be non-lethal, and hence would ordinarily need to be fired under low pressure. The Richert device addresses means for imparting high pressure and hence a higher velocity to the projectile without damaging it, specifically by increasing the pressure in the cartridge rather than in the gun chamber that accommodates the projectile. This device thus relates again to the projection of some type of projectile, rather than to

having any kind of effect on the gun from which fired, and hence does not bear on the present invention.

Somewhat similar to the Richert patent is U. S. Patent No. 6,202,560 issued Mar. 20, 2001, to Guirguis, which describes a cartridge having a first charge to initiate motion of a projectile, which delays ignition of a larger volume second charge of the primary propellant. Being directed to achieving desired projectile motion as is the Richert device, this Guirguis patent does not bear on the present invention.

U. S. Patent No. 4,759,885 issued Jul. 26, 1988, to Kurtz, describes a consumable case cartridge formed of a material that, unlike ordinary cartridges that have either a metal case, or a brass base as in a shotgun shell, will itself become consumed in the course of firing. Intended for use with black powder firearms, the device serves in some degree to clean out the gun upon firing, and would leave about less wasted material lying about, but since it is not intended nor adapted to have any effect on the firearm itself, does not pertain to the present invention.

U. S. Patent No. 5,841,063 issued Nov. 24, 1998, to Hellkvist et al., describes a cartridge case conceived for the purpose of minimizing damage to the environment in the event an ammunition store, particularly as to ammunition such as a "LOVA" type that is pressure sensitive, should itself be struck by munitions. The cartridge case includes a longitudinal weakening that will withstand the stress of normal usage but will break and reduce the pressure of combustion if the powder therein is ignited when the cartridge is outside of the cartridge chamber of a firearm. This device thus has a structure and function that is quite distinct from the present invention and does not bear thereon.

U. S. Patent No. 5,824,939 issued Oct. 20, 1998, to Handelman, describes a system of battlefield tactics wherein through use of a launcher a pyrotechnic round is caused to land and then explode at some distance away from the actual location of friendly forces, the explosion of that round closely simulating the muzzle flash of an actual artillery piece, thereby to draw enemy fire to that distant location rather than that of the friendly forces. That system effects a defensive tactic, as opposed to the tactic in one use of the present invention that is offensive in nature, being intended to deceive the enemy into using ammunition that upon use will explode violently, both destroying the firearm and likely killing the user. As such, this Handelman patent bears no relation to the present invention.

U. S. Patent Nos. 4,926,752 and 5,196,649, issued to DiRubbio *et al.* on May 22, 1990, and Mar. 23, 1993, respectively, show that in the particular type of hand grenades there described one must include a delay charge in order to prevent instantaneous functioning of the grenade, or too quick functioning if there were insufficient delay charge. It was nowhere suggested, however, that such delay charge might be omitted intentionally, thereby to bring about such instantaneous or rapid functioning for the express purpose of killing the user.

U. S. Patent No. 6,523,478 issued on Feb. 25, 2003, to Gonzalez *et al.* describes a "RIFLE-LAUNCHED NON-LETHAL CARGO DISPENSER," more specifically a projectile adapted to be launched from the end of a rifle muzzle. This projectile is particularly intended to carry and disperse various types of aerosols, rather than to kill or maim by exploding, or to injure or kill anyone as the projectile itself (e.g., as would a bullet). The principles of the present invention could be applied to the apparatus of this device, but there is no suggestion in the patent itself that shows or suggests any such procedure. As such, this patent is not deemed to bear directly on the present invention.

It is submitted that none of the foregoing patents provide any basis for rejection of any claims of the Application filed herewith, so allowance of those claims is respectfully requested.

Respectfully submitted,



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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of 1

Complete if Known

Application Number	
Filing Date	07/21/03
First Named Inventor	Brian Maguire
Art Unit	
Examiner Name	
Attorney Docket Number	MAG01

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,329,855 B1	07-19-1994	Szyndlar	
		US- 5,016,537 B1	05-21-1991	Pinson	
		US- 4,389,940 B1	06-28-1983	Tremblay et al.	
		US- 5,402,729 B1	04-04-1995	Richert	
		US- 6,202,560 B1	03-20-2001	Guirguis	
		US- 4,759,885 B1	07-26-1988	Kurtz	
		US- 5,841,063 B1	11-24-1998	Hellkvist et al.	
		US- 5,824,939 B1	10-10-1998	Handelman	
		US- 4,926,752 B1	05-22-1990	DiRubbio et al.	
		US- 5,196,649 B1	05-23-1993	DiRubbio et al.	
		US- 6,523,478 B1	02-25-2003	Gonzalez et al.	
		US- 2,562,928 B1	08-07-2003	Lewis	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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